

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHERRY L. HIVELY,
Plaintiff,

Case No. 2:15-cv-1138
CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth Preston Deavers

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

OPINION AND ORDER

This matter came before the Court on Plaintiff Sherry L. Hively's unopposed Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b). For the reasons set forth in the Motion, the Court **GRANTS** Plaintiff's Motion.

Given the risk of the contingent nature of the representation, the express contract between Plaintiff and her attorney, and the absence of any reasons why the award from the overall past-due benefits as outlined in Plaintiff's Motion would be unjust, the Court hereby **AUTHORIZES** a fee award in the amount of \$10,000.00 pursuant to 42 U.S.C. §406(b) of the Social Security Act. This amount is less than the amount withheld by Social Security for attorney fees. Further, the Court **APPROVES** this fee, and **ORDERS** counsel to, upon payment of the §406(b) fees, refund the Equal Access to Justice Act fee amount of \$4,500.00 to Plaintiff.

IT IS SO ORDERED.

12-6-2018

DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE